IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 17591 of 2004

Between:

Vasamsetty Rama Devudu, S/o Ramanna,
Pedapatnamlanka Village, Mamidikuduru Mandal, East Godavari District

..... PETITIONER

AND

1 The Dy.Superintendent of Police, Amalapuram Sub Division,

East Godavari District
2 The Circle Inspector of Police, Razole Circle, East Godavari District
3 The Station House Officer, Nagaram Police Station, East Godavari District
4 Seru Narsimha Murthy, S/o Venkatratnam,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District
5 Thirumani Srinivas Rao, S/o Lok Raju,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District
6 Malladi Yedukondalu, S/o Satyam,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District
7 Jogi Srinivasa Rao, S/o Venkanna,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District
8 Jogi Arjun Rao, S/o Venkat Reddy,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District
9 Bokka Somaraju, S/o Tatayya,

R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District

10 Dasamsetty Satyanarayana, S/o Suranna,
R/o Pedapatnamlanka Village, Mamidikuduru Mandal,
East Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent No.3 in not registering a Crime under suitable sections basing on the report given by the petitioner on 7-8-2004 as illegal, arbitrary and contrary to the rules and consequently direct the respondent No.3 to register a case and file a report before appropriate court duly investigating the same.

Counsel for the Petitioner: MR.V.NAGESWARA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

The petitioner seeks to issue writ of mandamus declaring the actions of the 3rd respondent in not registering crime based on the report given by the petitioner on 7.8.2004 as illegal and arbitrary.

The petitioner submits that the Government has assigned a patta land to an extent of Ac.0.50 cents in R.S.Nos.99 and 100 situate at Pedapatnamlanka village in East Godavari District, which was

levelled and fit for agricultural operations by spending some money. While the matters stood thus, respondents 4 to 10 attacked the petitioner on 7.8.2004 questioning him about the title of the said land and on the next day also they have attacked him. Therefore, the petitioner filed a complaint before the 3rd respondent, but no action has been taken.

Counter affidavit has been filed stating that there is a dispute with regard to the boundaries and on receipt of the complaint the matter was referred to the Mandal Revenue Officer forwarding the same with a request to direct the Mandal Surveyor and the concerned Revenue Inspector to find out the real ownership of the said land in question and pending the report from the Mandal Revenue Officer a case was also registered on the report of the petitioner in Cr.No.97 of 2004 for the offence punishable under Sections 143, 447, 427, 506 read with Section 34 IPC on 9.10.2004 and took up investigation. It is also stated that the case is under investigation and no arrests have been made so far.

As the case is already registered, the 3rd respondent is directed to complete the investigation and file a report to the concerned court within four months from the date of receipt of this order.

The writ petition is, accordingly, disposed of. No order as to costs.

(V.ESWARAIAH, J.)

26.4.2005

kpr

To

1 The Dy.Superintendent of Police, Amalapuram Sub Division,

East Godavari District
2 The Circle Inspector of Police, Razole Circle, East Godavari District
3 The Station House Officer, Nagaram Police Station, East Godavari District
4 2 C.C to the Govt. Pleader for Home, High Court buildings, Hyderabad (OUT)

5 2 C.D. copies